

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Jim Desmond

Case No

v.

Phillips & Cohen Associates, Ltd.

Jury Trial Demanded

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692.
2. This Court has jurisdiction. 15 U.S.C. § 1692k, 28 U.S.C. § 1331.
3. Plaintiff is a natural person who resides in Washington County, Western District of Pennsylvania.
4. Plaintiff’s deceased wife allegedly incurred a debt within the FDCPA, namely a credit card issued by Chase.
5. Defendant holds itself out to the public as a collection agency.
6. Defendant is a debt collector within the FDCPA.
8. The defendant sent to the plaintiff’s address a dunning letter dated February 21, 2008. A copy of the letter is attached hereto as Exhibit “A”.
9. The plaintiff requested the defendant to cease contact by letter dated February 26, 2008. A copy of the letter is attached hereto as Exhibit “B”.
10. The defendant received Exhibit “B” on February 29, 2008. A copy of the green card is attached hereto as Exhibit “C”.
11. The defendant sent to the plaintiff’s address a dunning letter dated May 13, 2008. A copy of the letter is attached hereto as Exhibit “D”.

12. On May 27, 2008, the plaintiff responded to the defendant as follows:

This is my third notice to you that I am not responsible for the debt of Jill C Desmond. I have sent you a written notice on Feb 27 2008, and was told by phone that you would not bother me any more. This is my last notice. See Exhibit "D".

13. The Defendant received Exhibit "D" on May 29, 2008. A copy of the green card is attached hereto as Exhibit "E".

14. The defendant sent to the plaintiff's address a dunning letter dated June 16, 2008. A copy of the letter is attached hereto as Exhibit "F".

15. The defendant sent to the plaintiff's address a dunning letter dated July 3, 2008. A copy of the letter is attached hereto as Exhibit "G".

FIRST COUNT

16. In the collection efforts, defendant violated the FDCPA, *inter alia*, §1692c(c).

17. As a result of defendant's illegal collection activities, plaintiff suffered actual damages in the form of anger, frustration, upset, as well as unjustified and abusive invasions of personal privacy.

WHEREFORE, plaintiff respectfully requests this Court to:

A. Award plaintiff such damages as are permitted by law, including actual and statutory damages; and

B. Award the plaintiff costs of suit and a reasonable attorney's fee.

JEFFREY L. SUHER, P.C.

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